

quid novi

le 20 mars 2001 Faculté de droit McGill

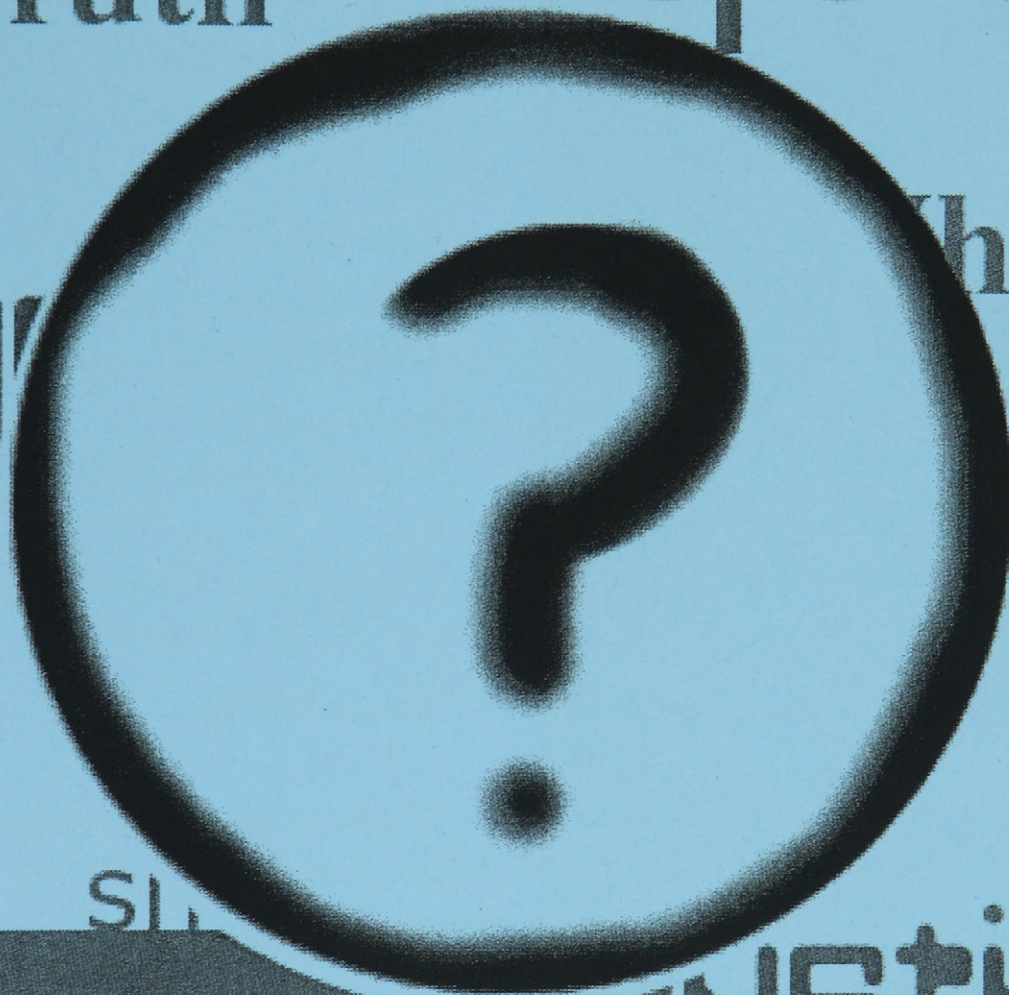
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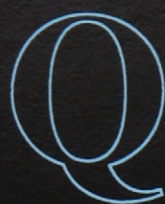
JUSTICE

.....
in this issue....

*Ethics to
make you
think.*

*Ontario is
FULL of...*

*Skit Nite
thoughts.*



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Dear all,

For the second year in a row my name was spelled wrong in the Skit Nite program. This is obviously a conspiracy to rid me of my due because the only reason anyone gets involved in anything is for the credit.

However, I realize that this is probably my punishment for spelling definately wrong (I mean definitely) every single time in the Quid last week. I blame modern technology because my computer automatically corrects this word for me.

As a result I am officially changing the spelling of my name to laWna, just so that there are no more problems in the future.

See you next week.
laWna

AN AFTERNOON OF ETHICS AND THE LAW

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**Wednesday, March 21st 1 :30 – 4 :30 pm
in the Moot Court**

Ethical Issues in the Criminal Law to Be Discussed By :

Richard Shadley, a Criminal Lawyer

Lori Weitzman, a Crown Prosecutor

Ethical Issues in Civil Law to Be Discussed By :

William Hessler, a Corporate Lawyer

Lynne Kassie, a Family Lawyer

The afternoon discussion will be moderated by Justice Proulx of the Superior Court.

Come on out for an afternoon of grappling with ethical dilemmas that are sure to keep you up at night....

The ethical conundrums to be grappled with can be found on the following pages.

I Scenarios from civil law :

SCENARIO 1

You and your partners have had a long-standing relationship with Acme Manufacturing, which is a publicly traded company. As outside counsel, your instructions are, as a matter of company policy, supposed to come from in-house counsel. However, for the last four or five years you have developed a close working relationship with the President and CEO, Mr. Mobile. When you are asked to give a presentation to the Board, it is usually at the invitation of Mr. Mobile. In practice, Mr. Mobile is the one you report to, although you keep in-house counsel informed.

One of your partners frequently does work for a competitor of Acme, a company known as Beta Manufacturing. You had drinks and dinner at your partner's house on Saturday night. Your partner has learned that Mr. Mobile has worked out a deal with Beta. Your partner tells you "off the record" that Mr. Mobile has not told anyone about his plans to jump ship, but that he plans to leave Acme high and dry at the end of the coming week.

The timing could not be worse for Acme, since the company is involved in some very important discussions for a strategic alliance with its key supplier, Raw Material Corp. Mr Mobile has been conducting the negotiation with Raw Material Corp. practically on his own, with your input on the legal issues and the drafting of the contract. On Monday, you were

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scheduled to send the final draft of the agreement to Raw Material's lawyer for signature. You quickly realise that when Mr. Mobile moves to Beta, the deal worked out with Raw Material Corp will likely follow him.

On Monday morning, Mr. Mobile calls to instruct you to put everything on hold regarding the signature of the contract with Raw Material Corp.

You find yourself in a real moral bind. You know that if you hold back on the Raw Material contract, Acme will likely lose the deal to Beta.

- Can you betray your partner's confidence and confront Mr. Mobile with what your partner told you "off the record"?

- If you let on that you know what he is up to, Mr. Mobile will probably tell you that what you have been told is privileged and confidential, and that your firm is bound not to make any disclosure to Acme. If you are told to remain silent, is that the end of it?

- In any event, what are you going to do about the draft agreement with Beta? You have firm instructions from Mr. Mobile not to send the draft to Raw Material Corp's lawyer. If you don't, the deal may fall through the cracks in a day or two. If you do, you will be disobeying clear instructions from Mr. Mobile.

What do you do?

SCENARIO 2

You are the partner responsible for Zeta Bank Corp. The Firm is handling many files for this long-standing client. One of them is a piece of litigation relating to a letter of credit dispute. About a year ago, you referred the file to a bright young associate, Arnold Terminator. Arnold has a lot of promise as a litigator and future partner. When you assigned him to the file, you told him to do everything possible to please this important client. The bank's senior vice-president for legal affairs has asked to see you about the file. She wants to see you alone.

The bank's VP relates the following. Since the institution of the action against the bank, Arnold has made four interlocutory motions, all of which have been unsuccessful, except for a motion for particulars, which was successful in part. Arnold appealed the clerk's decision on the motion for particulars and lost. He made a motion to have the action dismissed, which he lost, and then tried to get leave to appeal to the Court of Appeal. He subpoenaed the Plaintiff's President for examination on discovery on Monday, December 23, and refused to postpone the examination when the Plaintiff's attorney said she had planned to be in Florida with her family that week. During the examination, he badgered the

witness, and when the other attorney intervened, Arnold told her she didn't know the rules of procedure and referred to her as "Miss" and "My Dear". The bank's VP attended the hearing of one of the interlocutory motions and was distressed that the judge seemed to be paying a lot more attention to the other lawyer than to Arnold. The hearing has been postponed from an earlier date on which Arnold had insisted in proceeding, notwithstanding the fact that the other lawyer was in another courtroom and had sent a stagiaire to hold the fort in the meantime. The action is for \$80,000, and to date Arnold has racked up time of \$18,000 before even filing a defence. Of this amount, \$8,000 is for research time relating to the interlocutory appeal attempts.

The bank's VP states further that, at the beginning of the file, she asked Arnold if the case could be settled, to which he replied that there was no point in exploring settlement until the Plaintiff and their lawyer had been run through the mill so that they could have a taste of what would happen if the case went to trial. Subsequently, someone at the bank has heard that the Plaintiff's President was so infuriated by the way he was treated during his examination on discovery that he has told members of his trade association not to deal with the bank.

What are you going to tell the bank's VP? What are you going to say to Arnold?

SCENARIO 3

You have received a letter from the Secretary-Treasurer of Fiduciary Trust Company, asking you to provide a response to their auditor's request to report on claims and possible claims. The enquiry letter lists all of the claims against Fiduciary of which you and members of your firm are aware. However, it does not mention a possible claim. You learned about the possible claim a week ago, and were asked to keep the matter strictly confidential. It appears that one of the senior trust officers at fiduciary has absconded with over a hundred million dollars worth of negotiable securities belonging to an estate administered by the company. To make matters worse, the insurance coverage for employee fraud has been allowed to lapse. If the employee is not caught and the securities recovered, the estate will eventually learn of the defalcation and sue. A suit of that magnitude would severely damage the company's image and drive down the value of its shares. Other clients might withdraw their business and the company could even be threatened with insolvency. Private investigators have been retained to track down the villain, and there is a chance he might be caught before it is too late to recover the securities. If they are successful, no one may ever learn about what happened and it will be business as usual.

In the response to the audit inquiry a copy of which is sent to the auditors, can you remain silent about the possible claim?

Should you refuse the client's request to provide a response letter?

What advice should you give the client regarding disclosure of the incident to the shareholders at the upcoming annual meeting?

SCENARIO 4

Tina and Tony were married in 1992 and signed a marriage contract adopting the regime of separation as to property. At the time of the marriage, Tony was a wealthy individual having a net worth of approximately \$5 million with a thriving business. Tina did not have any material assets and had always worked to support herself and her son from a former marriage, never having earned more than \$20,000 a year.

At the beginning of the marriage, the lifestyle of the parties was sumptuous and no expense was spared for clothing, meals, jewellery and travel.

Unfortunately, Tony's business as well as the marriage unravelled. Tony sued for divorce in 1998 and Tina countered requesting a lump sum of \$2 million and alleging not only that she had lived a wonderful lifestyle but, notwithstanding Tony's recent plea that business was terrible, Tony had substantial hidden assets off shore.

Tony was deposed by Tina's lawyer and was asked whether he had any assets of any nature whatsoever and particularly any bank account off shore. Tony vigorously denied same and stated unequivocally that he had no money whatsoever off shore. After the deposition, Tony decided to engage a new lawyer and comes to you.

Preparations for the trial on the merits are commenced. You went over Tony's testimony many times and Tony repeatedly denied the existence of any off shore assets. One week before the trial, Tony admits to you for the first time that he did indeed have monies in an off shore account but that it would be impossible to prove and it was only \$400,000 and not the millions alleged by Tina. The transcript of Tony's examination denying the existence of any off shore money under oath has been filed into the Court record. Tony will be first witness in the case.

WHAT DO YOU DO?

SCENARIO 5

Jimmy and Gina were married in 1985 in the regime of partnership of acquests. Divorce proceedings are taken in 1999 and both parties wish to settle all matters between them amicable. Each party produces a truthful statement of their respective assets and liabilities. Settlement discussions ensue and an agreement in principle is reached. Prior to the drafting of the agreement, Gina received an offer for her

company, which would triple the value of her shares.

She has reached an agreement in principle and Jimmy had had nothing to do with the success of her business. She retains counsel and asks whether she is obliged to disclose the increase in her assets.

WHAT IS YOUR ADVICE?

II Scenarios from criminal law:

SCENARIO 1:

Handling physical evidence
The smoking gun

A client enters your office, informs you that she has just killed someone in the course of a robbery, and places the "smoking gun" on your desk. She also informs you of the whereabouts of the jewels which she took from the deceased's home. She offers to bring the jewels to your office for safekeeping. She explains that the deceased is actually her sister, and that she robbed her in order to reclaim their late mother's jewels which in her opinions, her sister had wrongfully withheld from her since their mother's death. She also tells you of a letter she had written to her sister a few weeks earlier in which she demands the return of the jewels "or else". She tells you that upon receipt of such letter, her sister had stormed into her office, ripped it into tiny pieces, and told her to stay out of her life forever. She, however, had kept a copy for herself. She asks you what she should do with it.

What responsibilities have your client's disclosures triggered for you? More particularly, do you have any affirmative duties with respect to the gun, the jewels, and the letter – the instrumentalities, the fruits and the evidence of motive for the crime?

R v. Murray

In the Ontario case of *R v. Murray*, the accused was a defence counsel who acted for Paul Bernardo in connection with two murder charges and a number of related offences. Bernardo had videotaped the gross sexual abuse of four of his victims, including the two murder victims, and later hid the videotapes in the ceiling of his house. Despite a 71-day search of the premises, these tapes were not located by police. Bernardo, who was in custody at the time, directed his counsel to attend at the house once the police had finished the search, and to remove the videotapes. Counsel did so, after which he retained the tapes for 17 months without disclosing their existence to the Crown, ostensibly for the purpose of springing the tapes on Karla Homulka, the key Crown witness during cross-examination at trial. Charges were ul-

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timately brought against counsel, alleging that the concealment of the tapes constituted an attempt to obstruct justice. Although he was acquitted, counsel's conduct was subject to sharp criticism by the Court.

What should Murray have done?

Double books

Your client calls you concerned that he is about to be audited by the tax department. His ex-partner recently received a visit from the authorities. He tells you that he has two sets of books and would like to bring you the books for safe-keeping. In the alternative, he intends to hide the books at a friend's house.

How do you respond?

SCENARIO 2:

Crown disclosure

You are the Crown prosecutor in charge of a sexual assault file. After full disclosure and many hours of discussions between Crown and defence, the accused through his counsel indicated that he wished to plead guilty and present a joint submission on sentencing.

The assault took place some 20 years ago when the victim was 12-14 years old.

The accused is now in therapy and is very remorseful. He has provided you with his therapist's report which indicates that he has come to terms with his problem and wants to deal with it.

The week before the scheduled date for his guilty plea, the victim is in an accident which caused her severe long-term memory loss. It is clear to you that she would be unable to testify.

Must you inform defence counsel?

SCENARIO 3:

Bill Jones is 21 years old and a medical student at McGill. His brother Bob is 22 years old and works in a garage. They are about the same size and look very much alike. On June 5th, they were both at the Red Rose Club with some friends drinking beer.

George Green, who was very drunk, was yelling insults at the two brothers and their friends. At a given moment Bill had had enough and threw a bottle in George's direction. Unfortunately the bottle hit George on the head, he fell over and hit his head on the corner of the table. Eight hours later, he died in hospital.

Of the several witnesses who saw the incident, only one identifies Bill as the person who threw the bottle. The others cannot be sure whether it was Bill or Bob.

Bill is charged with manslaughter.

Bob comes to you and asks you to represent him. He wants to admit he threw the bottle and plead guilty to manslaughter.

What should you do?

SCENARIO 4:

Mr. Herbert was jointly charged with his wife on counts of conspiracy to supply heroin and possession of a controlled drug. On the second day of the trial, Mrs. Herbert's lawyer was told that if Mr. Herbert pleaded guilty, the Crown would not continue proceedings against Mrs. Herbert. Mr. Herbert decided to change his plea, although maintaining that he is not guilty.

What should you do?

SCENARIO 5:

Three judges from Eastern Canada are attending a conference in Victoria, B.C. One night, they end up at the Blue Whale Café, where Judges Plante and LeNoir drink a great deal of beer. Judge Tranquille, a member of AA, drinks Perrier.

Sometime after leaving the café, in the early hours of the morning following complaints from numerous homeowners, officer Righteous arrests the three of them for disturbing the peace. Upon their return home, Plante and LeNoir consult you and, because in fact they were making a great deal of noise, agree to plead guilty. It is understood that the Crown attorney will suggest an absolute discharge for each of them. Tranquille tells you he made no noise at all and actually was trying to quiet the other two. After speaking to officer Righteous, the Crown attorney refuses to withdraw the charge unless Judge Tranquille pleads guilty to a municipal by-law.

Judge Tranquille reaffirms his innocence. However, he cannot afford the time or money to go to Victoria for a trial. He wants to plead guilty to the municipal by-law offence.

What do you do?

SCENARIO 6:

Smith, who is charged with murder, appears before Mr Justice Jones. When the charge is read, Smith offers a plea of guilty to manslaughter. This plea is accepted by the Crown attorney. Jones J. asks Smith why he shot and killed the victim. Smith replies, "I had no choice, he had a gun and

was about to shoot me. It was him or me". Jones J. then states: "you have a defence, I don't think you should plead guilty. Smith replies, " Judge, I have a lengthy record, a jury won't believe me, and I know innocent people are sometimes convicted. I have heard of Marshall, Morin and Milgaard. I don't want to take a chance. I want to plead guilty to manslaughter". Jones J. refuses the plea and ten days later, as Smith foresaw, the jury doesn't believe his version and convicts him of murder. When asked if he has anything to say with respect to his sentence, he states: "I still had no choice, it was him or me. Now can I plead guilty to manslaughter?

Was Justice done?

SCENARIO 7:

Smith, a medical student at Université de Montréal, is charged with possession of Hashish. He and three other students were living in a small three-bedroom apartment near the university. The police, holding a search warrant, enter the apartment and find Smith studying in the living room. In a cupboard in the same room, a pound of hashish is found in a box. There are no fingerprints or identifying marks on the box. All four students have signed the lease. The Crown disclosure indicates no other evidence and the Crown attorney states that the only witnesses are the arresting officers. Smith admits to you that the drugs belong to him.

How do you defend him?

SCENARIO 8:

Jones is charged with robbery. The only issue is whether Jones is the individual who drove the getaway car. He tells you four of his friends will testify that, at the time the robbery took place, they were with him playing cards, miles from where the robbery took place.

You interview his witnesses and his alibi appears solid.

The only Crown witness is Mr. Robinson, a senior citizen whose line of vision was somewhat obscured by trees and who is very nervous. Mr. Robinson is adamant as to the identification of Jones.

The day before the trial starts, Jones tells you that he cannot sleep at night and that he believes that he must tell you the truth: He committed the robbery.

What do you do? Can you call the alibi witnesses? Can you allow Jones to testify? How would you approach the cross-examination of Mr. Robinson?

A COFFEE HOUSE WHERE THEY ACTUALLY SERVE COFFEE?

An Invitation from Rod Macdonald
(on behalf of the sponsoring professors)

On March 22 the Atrium will be the site of what might turn out to be an Annual Event in the Faculty — a Professor's Coffee House.

More than a dozen professors have already committed themselves to attending. Collectively they have pledged to make a contribution to Moisson Montreal and other food banks equal to the total proceeds generated by the sale of food, alcoholic beverages, soft drinks and (yes Virginia), coffee at the coffee house.

The aim of the coffee house is three-fold. First, it is an occasion at the end of the year, for students and professors to have a relaxed social endeavour before the exam-study blitz begins in earnest.

Second, it is an occasion to remind ourselves how unbelievably fortunate we all are to be members of this law faculty community. We have a chance to continue to study and learn at a time in our lives when many others have to work full-time, and still others can find no employment. We have many bright futures ahead of us, and whatever we choose to do, we will generally have a very large degree of control over our lives.

Third, it is an occasion to remember that education is measured not so much by what careers it opens, not so much by its pragmatic utility in securing lucrative employment, and not so much by the supposedly objective validation of self-worth reflected in a mark or a class ranking. Education is measured by what you make of it while you are here.

Studying law is a meditation on how law influences who we are as people, and how we come to view other people. Its value is present, not instrumental, to some other purpose.

We hope to see you at coffee house next
Thursday.

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Theroux Suffers the Sophomore Jinx

Vasilis Pappas Law II

On March 30, 2000, in a dark and musky dressing-room of McConnel Arena, Tim Theroux sat, head bowed down into his hands. He had yet to remove his blood-stained equipment and the gloomy silence of the room was broken only by his muffled sobs. Theroux's team-mates had all since undressed, showered, and departed, leaving him alone with his thoughts. When his friends came knocking on the door to discover how he was faring, Theroux looked up, tears welling in his eyes, and just shook his head as he thrust his hands miserably through his dishevelled, sweat-matted hair.

Theroux and the Prosecutors had just suffered a heart-breaking defeat in the Championship game of the Men's A Intramural Hockey League, ending one of the most spectacular and unprecedented rookie campaigns in IHL history. All season long, Theroux dazzled and astonished IHL fans with his tantalizing mixture of talent and prairie-bred grit. Goal after goal, Theroux terrorized opposing goaltenders with his explosive, cannon-like shot. Hit after hit, the hulking Theroux brazenly intimidated and petrified rival players. As the season wore on, whispers of "dynasty" could be heard to flit across the lips of Prosecutors fans everywhere with a franchise player like Theroux under contract through the 2001-2002 season.

Theroux left a deep impression on even the most stoic of his team-mates. Mark Labrom, calendar coverboy for the Prosecutors last season, recently remembered Theroux's impact on the opposition. "Every time he jumped over the boards," Labrom recalled, "you could see the other team shrink into their skates. It was as if they knew they were either going to get scored against or leave the ice on a stretcher." James Bailey, the pill-popping and overly verbose wall of a defenceman for the team last season, similarly recollected Theroux's heroic exploits. "Like Arachne, Tim unabashedly weaved a seamless web of magic on the ice," Bailey reminisced, "and like King Midas, everything he touched, seemed to turn to gold."

Nevertheless, as both Arachne and Midas were eventually punished by the gods, this season Theroux seems also to have been equally accursed by the hockey gods with the dreaded sophomore jinx. With a piddly, career-worst 8 goal performance that saw the slumping Theroux finish dead last in sophomore scoring this season, fans are left to wonder: how could this have possibly happened?

One can only speculate regarding the reasons underlying Theroux's disastrous nose-dive from such exceptional heights. Former Prosecutors captain and GM Luke Carsley, whose eye for talent resulted in Theroux being drafted by the team, attributed Theroux's dismal performance to a lack of physical fitness. "From the beginning of the season, we knew Timmy would struggle this year," Carsley explained. "While he was a model disciple of fitness last year – leading team jogs on Mount Royal, swimming 10 kilometres a day, and working out feverishly – Timmy showed up to training camp this year 20 pounds overweight and smoking a pack a day of Belmont Milds." When told of Carsley's comments, the plumping Theroux quipped "It's just too hard to jog or swim with a cigarette in my mouth."

Others have ascribed the struggling Theroux's difficulties to off-ice distractions. Word about Theroux's feats from last season spread around campus and Prosecutors games are now well-attended by attractive, young "Theroux-Groupies." Rookie Poseidon Retsinas suggested that this has taken the snake-bitten Theroux off his game. "Before the games, after the games, even during the games, Timmy stands on the bench and talks to chicks in the crowd," Retsinas complained. "Last week we were down by a goal with around 5 minutes left. In the crowd there was this girl waving a sign that read 'Score For Me and Score With Me!' For the rest of the game, Timmy refused to leave the ice and wouldn't pass the puck. He just kept shooting, even from the most ridiculous angles, trying to get a goal so he could score with the chick in the crowd."

Despite Theroux's slide in the standings this season, Theroux seems to be regaining his form of old with 5 goals in his last 4 games. Prosecutors goaltender, Richard Martz, attributed this to Theroux ending his long affair with the Internet. "Ever since Timmy got the Internet connected at his apartment in October, it was like his hands had been dipped in cement," Martz explained. "Now that he is disconnected, his soft hands and lethal wrist-shot seem to have returned." Rookie Sean Fraser traced Theroux's rejuvenated play to the fact that he is improving his physical condition. "For weeks, Timmy and I have been practising in a teenage girl's league in Pierrefonds," Fraser revealed. "In the first few outings, those girls were beating Timmy like a red-headed step-child. Now that he's in better shape, his overall play has improved."

As the regular season comes to a close, the Prosecutors limp into the playoffs at a franchise-worst 2-7-3 clip in which they will face the #1 seeded WolfPak in the first round. If the old hockey adage is true, that "your best players have to be your best players to win hockey games," a revitalized Theroux, who always saves his finest performances for the playoffs, may be the tonic this team needs for another run at the Championship game. If so, this year Theroux figures to be crying the tears of victory, rather than the tears of defeat.

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March 20, 2001

Thoughts on Skit Nite On the other hand...

Robert Leckey LLB III

Let's be clear: I had no official role in Skit Nite, and if Yasemin Heinbecker and Jeff Nichols managed to get something into the Quid this week, read it before this.

First, I was seriously impressed by what I consider the talent that was on show at the Shatner Ballroom last Thursday night. I was also impressed by the people I worked with leading up to the evening. For example, I was struck by how competent and charming Anne de Ravinel and Stéphanie Rainville were. Music Director Kevin MacLeod was better-humoured and more easygoing under pressure than I can even imagine myself being.

Second, I was struck by how Skit Nite sets aside, for an evening, the often-rigid hierarchy of the Faculty. Skit Nite is a meritocracy. Today the star of the show will be found, not in one of the big professors' offices in the old mansions, but at the circulation desk in the library. First-year students, who are made to feel, I think, at the bottom of the heap, showed amazing talent. I am thinking particularly of Hanna Madbak and Nadine Elman. The normal course of Faculty life suggests that I, as a third-year student, have things to teach them, but doesn't notice that clearly they have far more to teach me.

Skit Nite reminds me that life at the Faculty showcases a narrow set of skills. Of course people had never heard me sing. Law school may indicate (and how well it does even this is itself debatable) people's abilities to write exams and memos and how, given one or two chances, they moot. It doesn't often go much further.

Third is a mess of half-developed ideas. With prospective students and law firm sponsors invited, Skit Nite is perhaps the most public side of the Faculty of Law. How is it we wish to represent ourselves? A couple of years ago a prospective student I knew came to Skit Nite. He was forty-five years old, and told me that Skit Nite terrified him: he saw all the people on stage as young, beautiful, and intimidating as anything. Watching last night other attributes came to mind too: clearly the students are also overwhelmingly white. It's an irony that, while a number of francophones were at the heart of organizing the event, it would ("Tu déchires la page" aside) presumably have been difficult for prospective francophone students to see themselves reflected in what they saw on stage.

There's a bunch of other issues. Perhaps it's because I had an older sister, but the "boys are stupid" stuff stopped making me laugh about twenty years ago. I may suffer from overexposure to more sophisticated gay humour, but it didn't strike me as that funny to suggest guys cheering George because he was the best thing on stage all night might be gay. The evening also highlighted our complex and still inchoate relationship with law firm sponsors. Do we want them there contributing to the charities or not? I suppose there's a fine line, if any, between humour and bitterness, but more time was spent than I would have expected joking about how much we hate being here, and how much all we want is to get to New York.

I wouldn't miss Skit Nite, and I had a great time. I'm left, though, ambivalent as to whether this is really a good event with which to introduce new students to the school.

Lawna Hurl Law II

When I go to a job interview I dress up, I wear make-up and I make every effort to impress, but in all honesty the person I present at an interview isn't the person I am. I personally find the Faculty and lots of people in it over focused on impressions. I suppose that it is the nature of the lawyer game, networking dressed in suits, wine in hand. Not everyone in the Faculty is like this but then not everyone in the Faculty participates in Skit Nite. From the first day of orientation the activities and general focus cater to certain individuals with certain tastes. This is probably based on pure democracy and that is fine. Those of use who don't really feel that we belong can find our own way.

For better or worse I think that Skit Nite *IS* a representation of our Faculty. Although formal bilingualism is practiced, beyond speeches and formal documents, the French language is sorely unrepresented. The Quid editorial board has tried very hard this year to increase French submissions, going so far as stopping francophones in the hall and begging them to submit, but with little success. Is this anyone's fault? I don't know. In my classes I find that there is an underrepresentation of ethnic minorities. I don't know what the statistics are; this is simply my impression. As for the level of humour involved at Skit Nite, that has been my impression of the humour level at this Faculty all along. Is that wrong? I don't know. (Besides, boys are stupid.)

There are enough situations already in law school where the concern is how we look instead of who we are. Should the above realities be changed? Probably. Does that mean that Skit Nite should be yet another place to pretend that we are something that we are not? Inner conflicts concerning life choices are prominent; not all of us know if this is where we are supposed to be and there is nothing wrong with wondering whether the New York job will be worth the sacrifice in other areas of life. I don't think that this feeling should be silenced just because there are lawyers in the audience.

On the other hand, professor participation is outstanding, reflecting the high quality of our faculty. However, it is a good thing the administration isn't represented or nobody would ever come to this school. Further, the mere fact that two students, Jeff and Yas, could put together such an amazing show is fantastic. That students would drag very very heavy risers across campus to the point that their wrists are close to falling off is a testament to our dedication to the Faculty. If a student decides that they won't fit in at McGill based solely on Skit Nite, then perhaps McGill isn't for them.

I think that it would be a shame for Skit Nite to turn into just another interview situation.

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This isn't in the JICP summary Class Action 2001 Committee

Well, graduating students, it's that time of year – Skit Nite is over, spring is in the air, and people have begun detoxifying in preparation for the Grad Ball. It's also when the Class Action Committee appears out of nowhere to ask you for money. We think, however, that we have a worthwhile idea towards which we can direct that money. Based on the support of the class, the committee has decided to establish an endowment to fund student participation in the Faculty's Human Rights internship program, and will be implementing a short campaign to collect initial contributions and pledges over the next three weeks. We believe that this project will increase accessibility to the Human Rights Internship program, which is seen as one of the strengths of our Faculty, as well as providing a lasting legacy for our class.

At the moment the Faculty funding available for most Human Rights internships is extremely limited. Additional funds from the Class of 2001 endowment would ease the personal fundraising burden on participants, and – we hope – would enable some students to consider the program where otherwise it might appear financially prohibitive.

De plus, cet apport financier additionnel pour le programme de stages en droits de la personne contribuerait de façon positive au rayonnement de la faculté ici comme à l'étranger. Contrairement à d'autres projets, les stages en droits de la personne suscitent généralement moins l'intérêt des donateurs provenant de l'extérieur de la faculté. Bien qu'il soit vrai qu'un des désavantages de cette idée est le fait que, tout comme dans le cas d'une bourse, le fonds en question ne serait disponible que pour un petit nombre d'étudiants, nous croyons et espérons que notre contribution aura comme conséquence de rendre le programme de stages accessible à davantage de participants.

The fund will remain in place and can be added to over time. As it grows, we hope that this fund will make an even more significant difference. We also have the option of changing the designation of the fund as needs develop, and we will be able to follow its growth and use on a soon-to-be-created website.

Even though we are thinking in long-term, we would like to emphasize the importance of making the initial contribution a substantial one; for the first time, whatever funds are raised over the next year through this initial Class Action campaign will be matched dollar for dollar by another donor. We have an ambitious goal: we would like to raise \$10,000 from the class, which, when matched, will result in an initial endowment of \$350,000 (no, really \$20,000 – we were just checking to see if you read down this far). Annual proceeds from such an amount would provide \$1,000 of funding each year.

While we have been given some suggestions for donation amounts, we hope that everyone will give an amount that is comfortable and reasonable for you, because we would like this to be a gift to the school from the whole class and not just a few members. You will be able to make a one-time contribution or pledge an amount to be given over the next year.

We will be either in the Atrium or outside the Moot Court during this week and the next. Please come and talk to us!

Johanne Chambers (johannechambers@hotmail.com) Aaron Dantowitz (dantowa@lsa.lan.mcgill.ca)

Liz Drent (drente@lsa.lan.mcgill.ca) Sophie Lamonde (lamonds@lsa.lan.mcgill.ca) Karen Whiting (whitink@lsa.lan.mcgill.ca)

And, ex-officio... Dean Taylor, Yasemin Heinbecker, and Allen Mendelsohn

The following questions will be asked during the LSA elections on March 28-29.

- (1) Do you agree that the student computing fee should be raised by \$15.00 (fifteen dollars) per semester in order to accomplish the following:
 - (i) To support the purchase and replacement of new computing facilities and equipment on an ongoing basis;
 - (ii) To pay for a professional computer technician dedicated to supporting students' computing needs at the faculty on a daily basis; and
 - (iii) To purchase new technologies as needed and as they become available?

YES

NO

- (2) Do you agree to pay an additional \$6.00 (six dollars) per semester to fund the increase in salary required to make the Placement Office Director a full-time position?

YES

NO

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Upcoming Events

Tuesday, March 20 4:30 p.m.

Free Speech/Hate Speech: Defining the Limits of Free Speech in a Multicultural Society

Speakers: A. Alan Borovoy, Candian Civil Liberties Association's General Counsel, Professor Morton Weinfeld, McGill's Sociology Department.

Moderator: Professor Stephen Toope

Location: Moot Court

March 26, 6:00 p.m.

Conference and Reception 50th Anniversary of the European Convention on Human Rights

The director of the Revue québécoise de droit international, Professor François Crépeau, requests the pleasure of your attendance at the launch of a special issue of the Journal devoted to the 50th Anniversary of the European Convention on Human Rights, directed by Dean Peter Leuprecht and Mr. Olivier Delas.

Participants include

- Robert Badinter, French Senator, former President of the Conseil constitutionnel and former Minister of Justice of France
- Andrew Drzemczewski, Official Delegate and Head of the Monitoring Unit of the Secretary General of the Council of Europe
- Catherine Lalumière, Member of the European Parliament and former Secretary General of the Council of Europe
- The Rt. Honourable Beverley McLachlin, Chief Justice of Canada

The panel session will take place in the Moot Court.

A reception hosted by Mr. Pierre Bourque, Mayor of Montreal, will follow in the Atrium of the Faculty.

This event is organized under the auspices of Walter Schwimmer, Secretary General of the Council of Europe, and is sponsored by Quebec Minister of International Relations, Louise Beaudoin, and Quebec Minister of Justice, Linda Goupil.

Seats are limited: R.S.V.P. before March 22 to Rachel Chagnon:

Tel: (514) 987-3000, ext. 8315;

e-mail: lancementrqdi@moncourrier.com

March 27, 2001

11 h, Salle du tribunal-école (Moot Court)

La Faculté de droit en collaboration avec l'Institut d'études européennes de l'Université de Montréal et de l'Université McGill vous invitent à une conférence de ROBERT BADINTER, Sénateur et ancien Ministre de la Justice de la République française. Sa conférence s'intitulera « La lutte contre l'impunité des criminels contre l'humanité »

M. Badinter est l'avocat d'une grande cause, celle de l'abolition de la peine de mort. Pour de plus amples informations sur Robert Badinter, veuillez consultez le site suivant : http://www.senat.fr/senfic/badinter_robert.html

Veuillez communiquer avec Anne-Marie La Barre au 398-6616 ou à labarre@falaw.lan.mcgill.ca si vous avez des questions au sujet de ces événements.

le 20 mars 2001

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Culture Club

Dean Taylor Nat IV

So. Ontario doesn't have any culture. So what? I thought. The woman is right. We don't have any culture. Of course, then I got to thinking, and you know what? Ontario has a rich and varied culture, a history, if you will, that needs to be recognized by our friendly neighbours here in Quebec. So I hereby present the first ever Ontario Cultural Primer: (Or, Things to Do in Muskoka When Your Dead).

The Culture can be broken down into very easy to follow categories: **Big Stuff, Stuff to Do, Food, Weird Things, and Events No Ontarian Should Miss.** Try to keep up.

Big Stuff: Now this isn't exactly an exclusive Ontario thing, because Alberta, BC, and Manitoba also have big stuff, and there is a big-ass potato in Nova Scotia wearing a top hat that I always thought was Mr. Peanut (I was usually pretty tired by that point in the drive, and often carsick). But Ontario seems to have cornered the market on big stuff, offering a unique cultural experience. To wit: the Big Apple. No, not "New York", the real big apple is outside of Colbourne. And it is big. Real big. Ontario has also the world-famous "Big Nickel" in Sudbury, the Wawa Goose (which, for those of you who haven't been following along, is Big), and the Big Pencil in my hometown of Bracebridge. We also have the biggest Main Street (Yonge), the biggest waste of space (Mel Lastman), and the biggest white elephant not made for an Olympics (SkyDome) which are incidentally all in the biggest city in Canada (that's Toronto, for those of you keeping score). That leads nicely into...

Stuff to Do: What can you do in the unique cultural mecca that is Ontario? Well, there's the Hockey Hall of Fame, which really belongs in Montreal, but doesn't. There's the birthplace of hockey, which is Kingston, although it may have been Montreal, but isn't. And there's the last of the great arenas, Maple Leaf Gardens, which should have been destroyed 60 years ago (stupid ugly old urine smelling barn) but wasn't, whereas the Forum is now home to an SAQ.

In the non-hockey Stuff to Do category, a visit to Southampton ("Oldest Port on the Bruce Coast") is a nice place to go to a wedding. Canada's oldest Polish Settlement is in Wilno, also the home of Vinnie's Chuckwagon Burger, a three-pound monster (see Food below). You can also visit the "Summer Home of the Christmas Spirit" Santa's Village. Don't eat the food. Don't play the games, and check to see that there is no smoke coming from the Red Baron plane ride before you get in. Otherwise, knock yourself out.

Ontario also has places where many priests and missionaries were slaughtered, museums, and other nice places, like forts and stuff. But the real test of a culture is the quality of the...

Food: Besides the aforementioned Vinnie's 3-pound burger (if you order and eat two, plus fries, you get your meal for free) we are also the home of The Purple Pig, the creators of the 60 Ounce steak challenge. Eat that, plus two plates of fries (or baked potato), and two cobs of corn (or plates of rice), you eat for free (good thing, 'cause its sixty bucks if you don't). If not, the money goes to charity. That's culture you can't beat.

Weber's restaurant at the gateway to cottage country is so popular, the owner had to build a bridge across the highway to save the lives of people dashing across the TransCanada to get his burgers. Paid for the bridge out of his own pocket. A unique and fun burger joint. Try the fries. By the way, there's no place to sit indoors, so you might get wet. But it's worth it.

Ontario also has lots of apples and peaches, and other healthy type foods, not to mention the three best small breweries on the hemisphere (St. Ambroise be damned; I'll take any of these over that, and yer western Big Rock crap too!): Upper Canada (getting bigger all the time), Creemore Springs (see Southampton, Luz's wedding for reference) and my hometown Lakes of Muskoka Cottage Brewery. (See things to do in Muskoka. Take the tour, get blind drunk, visit the big pencil, go to Santa's Village. Good day). We'll discuss how to purchase beer later.

Apparently, everyone else thinks Ontarians are nothing but donut-eating coffee-swilling Protestants. Not true. Many Ontarians are Catholic. My first day at McGill ended with a big welcome party at some chrome and dry ice filled bar on Crescent. Before we got there, two well-meaning Quebecois lead me down Cote-de-Neiges to the place they thought I

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would need the most: Tim Horton's. I was rather confused. See, I don't drink coffee, and am not a big donut fan. But apparently the rest of my province is. Anyways, donut shops do take up an inordinate amount of space in Ontario.

Weird Stuff: Well, all the donut shops, for one. Other weird things include the Sleeping Giant, who could have gone under Big Stuff, but is weird. The Giant is an island outside of Thunder Bay that, legend has it, is actually a sleeping Native God. Look at it and you can see the outline of the body, face, and ceremonial headdress. Cool.

Other weird stuff: The most violent stretch of highway in Canada is outside of London Ontario. It's flat, and wide open. Not twisting through the Rockies, or close to the ocean, or anywhere near this province's hell on wheels. Weird.

There used to be a town called "Swastika" that refused to change the name. They had catchy slogans like "Screw you Hitler, we had the name first". And at one point Kitchener was called Berlin.

Our former Education Minister never graduated high school. Oh wait, that's not weird, that's just stupid.

When it comes to curling, the province is allowed to have two teams at the National Championships: Ontario and Northern Ontario. Northern Ontario (by the curling definition) encompasses about 80% of the land. Ontario is about 90% of the population.

I live two hours north of Toronto. To get to my father's hometown in Ontario, we have to drive roughly 15 to 20 hours further north. My town is defined as a Northern Ontario town. People from Toronto think I live in the frigging hinterland. In Ontario, Southern towns are in Counties, Northern ones in Districts. I'm from the District of Muskoka. Seems weird to me.

Finally, there are the cultural **Events No Ontarian Should Miss**. These include the basics, like bitch about Toronto day, (oh wait, that's everyday), and vote for the Liberals day (about every three to four years). We also have sit in your car for 6 hours to cover a 200 km stretch of highway day (usually every weekend in the summer, when Torontonians make the 200km trek from Richmond Hill and Mississauga to cottage country) and dig yourself out of the snow day (varies). But we save the big ones like:

The Race to the Beer Store: See, we don't have depanneurs that just hand beer out willy-nilly. Ontario has a structure to its drinking; It begins with a trip to AN ENTIRE STORE OF BEER. What a brilliant concept. All beer and beer related products. Used to be you had to race there before it closed and stand in line to get beer. Sadly, this event is being ruined by longer store hours and the ability to open on Sundays. It really is sad to watch our history get destroyed.

Another sad note is the relative passing of Race Across the Border to Quebec for more Drinking. See, now our bars close at two instead of one. Two extra hours of drinking meant something, but one? Hardly worth the effort. Another unique heritage moment lost.

On July 1st, when Quebec is moving, Ontario has a quirky little event called Canada Day. We race to the Beer Store, then barbecue something, then race back to the Beer Store, then many of us watch the Kinsmen or the Rotary Club blow up some fireworks, then we go to the bar. It's quite nice. While at the bar, we sometimes participate in Kill (or at least badly hurt) the tourist; you can spot them easy because they have the U of T, Queen's or Western sweatshirt and the cup to hold their beer. Their beer is often not from the Holy Trinity of Blue, Ex or Canadian, but is something sissified like Bud.

Of course, all of this misses the greatest cultural event of the Ontario season: The Unofficial Start of Summer, the Victoria Day Weekend. Or, as it is better known, the May Two-Four. Hee hee hee. Clever-assed Ontarians. Two-Four like a two-four of beer get it? Hee hee hee. Sorry. I'll stop that. In fact, May 24 looks a lot like Canada Day, save for the proliferation of "Canada Kicks Ass" t-shirts and Tragically Hip concerts. As far as I know, there is no market for "Queen Victoria Kicks Ass" t-shirts...yet.

Admittedly, I may have missed many fine cultural experiences that Ontario has to offer...there's just so many. But the point was, when it comes to culture, we take a back seat to no one. Now if you'll excuse me, I have a Big Goose to visit.

WANTED: RESEARCH ASSISTANT

Professor Patrick Glenn would like to hire a research assistant for the summer (also possibility of part-time work during term) to work on a variety of projects involving both civil and common law subjects and some measure of legal theory. If interested, please leave a resume and summary of grades (Office No. 31, OCDH, or mailbox of H.P. Glenn).

le 20 mars 2001

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CURRICULUM CORNER - March 15, 2001

As yet another school year draws to a close, it is time to reflect back over your classes and to think about nominating your most inspirational professors for the John W. Durnford Award for Teaching Excellence. Any and all of you who have been impressed with the professors you have had this year, be it in a fall semester course, a winter course, or a full year course, should seriously think about recognizing their efforts by nominating them for the teaching excellence award.

Nomination forms are available in the LSA office starting now. Come pick one up and then get nominating! The nomination procedure is as follows:

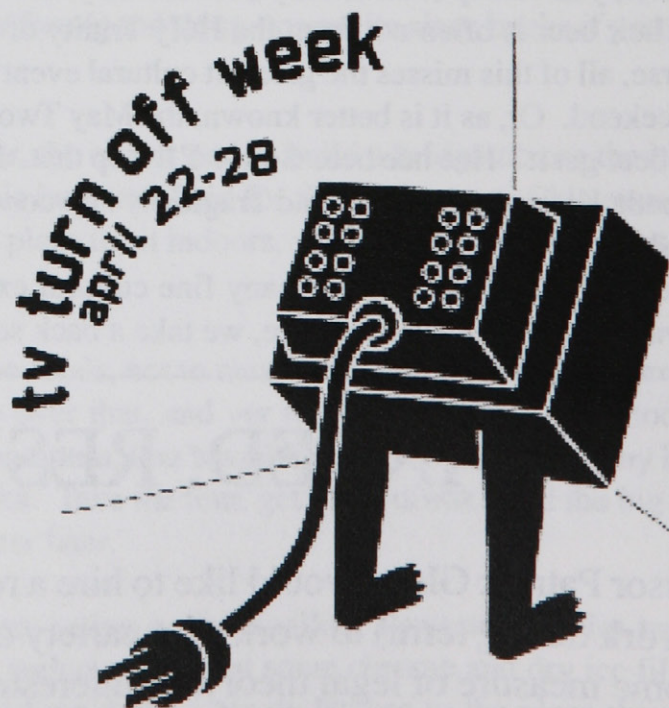
- 1) Unlike in years past, there will be only one nomination period for teaching awards this year. Professors who taught fall courses (i.e. those that ended in December), full year courses, or courses in the winter term must be nominated during the period March 19th through March 27th. Les formulaires de mise en candidature dûment remplis doivent être retournés au casier du V.P. Academic au bureau du L.S.A.
- 2) Any student of the faculty can nominate a professor.
- 3) Seuls les étudiants présentement inscrits au cours enseigné par le professeur en question peuvent soumettre la candidature de ce professeur.
- 4) Only university appointed professors of the Faculty of Law are eligible for the award, meaning that any professor who lectures at the Faculty of Law of McGill University and who holds a University appointment at McGill may be nominated.
- 5) Le formulaire de mise en candidature dûment remplis doivent être accompagné d'un court texte mettant en valeur les qualités du professeur lui méritant, selon l'étudiant, le prix de cette année.
- 6) In nominating a professor, nominators may want to provide information, among other things, on the professor's enthusiasm, clarity of presentation, mastery of subject matter, availability outside of lectures, and ability to stimulate interesting class discussions.
- 7) En soumettant la candidature vous pouvez inclure toutes autres informations qui vous semblent pertinentes et qui pourraient éclairer le comité dans son processus de sélection (e.g. plan de cours.)
- 8) Nomination sheets must be signed by the nominator and five other students who are currently or were once enrolled in the course for which the professor is being nominated.

So remember, the nomination period runs from March 19th to March 27th! If you have any other questions, please feel free to contact me at meganstephens@hotmail.com.

Megan Stephens
VP Academic

Thought that I did a crap
job with the Quid this year?
Well, you do it then.

If you are interested in
working on the Quid next
year send us a letter of inter-
est by March 26, 2001.
quid_novi@hotmail.com



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March 20, 2001

Computer Committee Referendum Question

Louis Gratton Law II

On March 28th and 29th, a referendum question will be presented to law students about raising the fees associated with the faculty's computer facilities. As it stands today, each law student is charged \$10 per semester; the proposal is to raise this amount by \$15 per semester. Before getting into the reasons for this increase and since many of you might not be aware of the LSA Computer Committee (LCC) and its role in the faculty, we will begin with a brief history of the LCC.

History of the LSA Computer Committee

The LCC was started 10 years ago by law students interested in setting up a basic word processing lab. This group of students bought 3 computers and set them up in New Chancellor Day Hall (NCDH). In 1996, the LSA decided to significantly expand its computing facilities and, to that end, decided through student referendum to levy a ten dollar fee per semester which increased both the number of computers at the faculty and the software available. 35 computers were set up in NCDH in what came to be known as the upstairs computer lab and downstairs computer lab. The new computers were connected to a central network and provided every student with personal hard drive space and an e-mail account. These expanded services required a significant degree of expertise and students worked long hours to maintain and update the network to the satisfaction of both the students and the faculty. During this time, the Library Information Management Computing Center (LIMC) assisted the LCC in maintaining the law students computing facilities by answering questions that the students did not have the expertise to address and ensuring that the LSA server remained operational.

Today, the structure of the LCC is as follows. The day-to-day technical support is provided by the LCC lab monitors, a service paid for by the dean's office. Lab monitors are complimented by executive members who try to answer more technical questions. This is accomplished through the "Guru" service, an e-mail account that answers student questions. Anything that Guru cannot answer is forwarded to the LIMC who ensures that our system is running properly and takes care of serious technical matters.

The system outlined above worked relatively well until 1999. At that time, the McGill Computing Center (MCC) decided to change the way that e-mail at the faculty operated. As many of you remember, this change took place in the month of December and many students experienced great difficulties accessing their accounts and retrieving their e-mail. The LCC was unable to provide the support the students required and communication between students and the faculty completely broke down. The LCC's ability to assist students was further frustrated when the student network was merged with the faculty network. For security reasons students were denied access to many aspects of the faculty network and the LCC became even more dependent upon the LIMC for basic computer support.

Furthermore, the computers in both labs were breaking down. These computers were purchased in 1996 and had been running continuously for four years. Fortunately, the LCC managed to find the outside funds necessary to replace the computers. The LIMC and a couple of members of the LCC installed the new computers at the beginning of the 2000-2001 academic year.

Referendum Proposal

The reasons behind the proposed fee increase are twofold. First, given the complexity of the existing network and our reliance on this network and our computers, we have come to the conclusion that law students who lack the time and technical knowledge should no longer be running one of the most important research tools in the law faculty. Second, the LIMC's mandate does not include maintenance of our computer facilities. While the LIMC has been extremely helpful in the past, and we can't thank them enough, they are finding it increasingly difficult to fulfill their assigned tasks and objectives. Furthermore, they are not being compensated for the time they dedicate to helping the LCC.

The LCC currently accumulates funds in two ways: printer credits and the \$10 per semester fee from each law student. These funds only cover expenses with minimal annual profit. It is currently impossible to budget for the replacement of our current computers when they become obsolete. And we are unable to compensate the LIMC for the help that they have provided.

The amount of the proposed fee increase was arrived at by calculating the funds needed in order to guarantee the replacement of our computers every three years and to hire a technician in order to better service the students and ensure the continuous smooth functioning of our labs and network.

We ensured that the total amount paid per student annually would be comparable to the computer fees charged to students in other faculties who rely heavily on computer services. For example, students at the Faculty of Management pay \$80 annually for their computer labs, which are administered by a dedicated technician. The same is true for the Faculty of

continued on next page...

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Computer Committee. continued from previous page

Architecture. As it stands today, students at the Faculty of Law pay one of the lowest fees for computer services on campus. This is incommensurate with the dependence that law students have on these services.

Should the proposal be refused during referendum, the future of our computer labs would be in jeopardy. While the existing computers might be sufficient for the next two years, they will also start breaking down and become obsolete. Without the funds necessary to replace them, the labs will slowly become useless. The LIMC has also expressed their concerns relating to maintenance. Their time is precious and they no longer have the resources to continue to help the LCC. Without a dedicated technician, the LCC cannot guarantee continuous functioning of our labs and network. Law students rely much more on computers than they did in 1996. Legal research, as evidenced by the curriculum in legal methodology, is much more practical online; e-mail as the preferred mode of communication between students and faculty; and the new addition of course web pages have all dramatically increased computer usage by students. Computer services are an essential part of our legal education.

The only other financial solution to these problems is a raise in the price of printer credits. This is NOT a solution that the LCC wants to consider. A raise in printer credits penalizes the students that need to print documents at school. We all use our computer facilities for e-mail, legal research, and so on. We should all share the financial burden of maintaining high quality services.

We encourage all law students to accept the proposal so that the LCC can take the steps necessary to ensure the high quality of our computing facilities for many years to come. If anyone should have any questions, feel free to direct them to the VP Clubs and Services, TJ Schmaltz, at schmalt@lsa.lan.mcgill.ca or to the Co-chairs of the LCC, Moshe Morris and Louis Gratton, at moshe@lsa.lan.mcgill.ca and grattol@lsa.lan.mcgill.ca.

ATLA Offers Scholarships (Deadline - May 1st, 2001)

Minority Law Student Convention Scholarship

This scholarship enables up to 10 law students to attend ATLA's 2001 National Convention in Montreal from July 14th to 18th. The scholarships are open to all Black, Hispanic, Asian, Native-American, and Bi-racial ATLA student members. The scholarship will subsidize registration fees only for the 2001 Annual Convention. No travel expenses will be covered. Applicants must submit: (1) a 500-word essay on the benefits sought from attending the convention, (2) express a desire to represent victims, (3) show a commitment to ATLA and its mission, (4) one letter of recommendation from a faculty adviser, trial advocacy professor, or dean.

Richard D. Hailey Scholarship

Six (6) US\$1,000 scholarships will be awarded to first and second year ATLA law student members of Black, Hispanic, or Native-American heritage. Scholarships awarded to applicants who: (1) exhibit an interest and proficiency in trial advocacy, (2) express a desire to represent victims, (3) demonstrate a commitment to ATLA and its mission, (4) show financial need, (5) submit a 500-word essay and, (6) up to 3 letters of recommendation from a faculty adviser, trial advocacy professor, dean, ATLA member or trial lawyers. Send to:

Attn: Michelle Haynes ATLA Minority Caucus
1050 31st Street, NW Washington, DC 20007
Tel: (800) 424-2725 ext. 278 Fax: (202) 298-6849
Email: michelle.Haynes@atlahq.org

ATLA Trial Advocacy Scholarship

A US\$2,500 scholarship is open to all second or third year ATLA law student members. The scholarship is awarded to the applicant who best: (1) demonstrates a commitment to ATLA, (2) expresses a desire to represent victims, (3) exhibits an interest and proficiency in trial advocacy, (4) shows financial need. Applicants must submit a short essay and a letter of recommendation from a faculty adviser, trial advocacy professor, or dean.

Leesfield/ATLA Law Student Scholarship

A US\$1,000 scholarship will be awarded to a first or second year student to enable him/her to attend to ATLA's 2001 Annual Convention in Montreal from July 14th to 18th. The criteria for the scholarship are: (1) a statement of financial need, (2) a 500-word written request substantiating the applicant's commitment to preserving the civil justice system, (3) recommendations from a faculty adviser, trial advocacy professor, or dean. Send to:

Attn: Manager, Law Student Services ATLA
1050 31st Street, NW Washington, DC 20007
Tel: (800) 424-2725 ext. 372

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Veau Ninja

[Je vous écris une petite histoire ce semestre dans le cadre de ma nostalgie des années où je fus étudiant dans cette jolie faculté. Il y a également qu'on refuse de la publier dans le journal du cabinet où j'œuvre présentement]

Une maison. Une fête. Plusieurs discutent de ci et beaucoup de ça. Les seconds y trouvent évidemment plus de satisfaction. C'est l'anniversaire de quelqu'un mais nul n'est vraiment certain de son identité. La maison de briques rouges à motifs de chrysanthèmes est bondée de toutes sortes de personnes. Il y a de la joie et du plaisir malgré l'absence de Jell-o au raisin.

On s'apprête à entrer par la porte de devant, la porte de derrière et par la cheminée. Des hommes vêtus de noir et d'autres vêtus de noir sont tous munis de maléfiques walkie-talkies roses à pompons et d'armes à feu. Les portes sont fracassées bien qu'elles furent déverrouillées parce que ça fait plus méchant.

"Ah ah ah!" de dire l'un d'eux.

"Ah!" d'en rajouter un second.

On retire le disque des "Rivières du Bonheur" et on le substitue par les "Hamsters Ensanglantés". Tout le monde est réuni dans le salon, même Gaston. On donne ordre de se délaissier de tout ce qui est de valeur. À la vue des armes, personne n'ose s'opposer ni entreprendre une polka.

C'est le désespoir, sauf pour ceux qui ont bien bu. C'est surtout la surprise. Tout à coup, la vitre de la fenêtre surélevée du salon éclate, emportée par le poids d'un veau inconnu. Il atterrit au milieu de la pièce, écrasant quelques invités sans le faire exprès. Ce dernier se tient à quatre pattes dans le centre du salon et revêt un costume noir le recouvrant de la tête aux pieds, et inversement. On m'informe que c'est un habit de ninja. Un veau ninja.

Une étoile par ici, une par là. Un "oh!" ici et un "ah!" là-bas. Ce sont quatre pattes qui gesticulent agilement et réduisent les intrus en tapis peu pratiques. Des applaudissements. Une foule en délire. "Rivières du Bonheur" s'est remis à jouer. On recommence à boire et se donner des recettes de pâtes. On invite le veau à faire du limbo.

On félicite ce dernier pour son émouvante performance. Un des invités lui demande son nom.

"Veau Ninja", leur répond le veau qui s'appelle véritablement Réal. C'est ainsi que tout le monde se mit à rire aux éclats jusqu'à ce le veau en ait marre et s'en aille. Plus tard, lorsque le rire s'estompa, on fit une tarte aux raisins secs de plus de trois mètres de diamètre.

Veau Ninja déambulait dans les rues éclairées de multiples lampadaires, à chacun desquels il s'efforçait de dire bonsoir. Il se sentait seul comme un veau qui se sent seul. Surgit devant lui un lama pickpocket recyclé en voleur armé. Il avait un bandeau rouge à la tête et mauvaise haleine. Veau Ninja l'accueillit et lui offrit la possibilité de lui rendre la pareille. Le lama ne se fit pas duper et fit apparaître un revolver de son imperméable qui contenait justement un revolver.

"Ton argent petit veau!", lui lança-t-il.

Déçu, Veau Ninja sorti, plutôt que son argent, un brusque coup de poing suivit de plusieurs actions ninjasques qui se produisirent si rapidement que je ne peux vous les décrire. Ce qui est bien dans tout cela, c'est que Veau Ninja dégusta un succulent ragoût de lama ce soir-là.

Le lendemain, soleil. Odeur de lendemain ensoleillé. Veau déverrouilla la porte de l'entrée à l'aide de la clef qui avait comme utilité de déverrouiller cette porte. Aucune porte dont il possédait la clef ne lui résistait, pensa-t-il, fier de son talent. Il se mit des

Pascal Ouimet feu Nat IV

"La la la la", entonna-t-il. Il poursuivit ensuite avec: "la la la" et un petit "la la la la" pour finir. Il avait assez chanté. Il se demanda où s'en allait cette histoire. Oui, celle que vous lisez.

C'est alors que jaillit une marmotte à parfum de pissenlit qui lui fit immédiatement de l'œil. Voulant s'assurer que Veau ait bien compris l'opération, elle lui dit:

"Je vous fais de l'œil". À quoi il lui conféra en répartie:

"C'est gentil. Et pourquoi donc?"

"C'est vendredi", lui répondit-elle.

Il comprenait enfin. Il eut un sourire et décida de cheminer avec cet étonnant mammifère de petite taille. Ils marchèrent en silence. Jusqu'à ce que leurs pas soient interrompus par un obstacle. Ils le contournèrent. Ils poursuivirent leur chemin pendant que la marmotte témoignait avec habileté des souvenirs de son enfance alors qu'elle était vendeuse de maillots de bain pour la chaîne de son grand-oncle. Elle lui racontait l'histoire de la découverte de la couleur rouge lorsqu'un lama, différent du premier, mais tout de même un lama, s'approcha d'eux. Il leur bloqua le chemin habilement d'une rotation de son corps de 90 degrés. Après quelques répliques qui ne valent pas la peine d'être relatées, Veau s'aperçut que se présentait maintenant devant lui le frère du lama qu'il avait tout récemment connu. Ce dernier cherchait justement celui-ci ainsi que le sens de la vie. A ce moment précis, c'était plutôt le premier questionnement qui l'intéressait. Il tenait de source sûre l'information que son frère avait été en la compagnie de Veau Ninja la veille.

Ce lama portait le nom d'Armand, par opposition à son frère qui avait un tout autre nom. Armand aimait le violoncelle et une bonne partie de Twister®. Il avait découvert tôt dans la vie que de savoir siffler n'était pas un très grand exploit.

Le sujet d'un frère maintenant digéré en est un difficile à aborder. C'est pourquoi Veau Ninja s'approcha de lui et lui dit doucement: "Tu n'as jamais eu de frère".

"Mais, pourtant, j'en étais persuadé".

"La persuasion joue quelques fois de mauvais tours". "Je vois maintenant que je vivais dans l'erreur. Veuillez pardonner ma rudesse. Je vous laisse."

Armand entreprit péniblement une rotation de 90 degrés en sens inverse et partit d'un air égaré. Il disparaissait peu à peu, s'arrêtant de temps à autre pour brouter. C'était mieux comme cela, pensa Ninja. La marmotte... au fait, elle s'appelle Yvette, j'avais oublié de vous le dire... avait mentionné son aversion envers la violence.

Veau Ninja voyait de plus en plus qu'Yvette et lui n'allaient pas ensemble. Ne croyez que c'est la différence de taille qui l'effrayait. C'est pour des motifs tout autre comme son maillot de bain et son tic nerveux (que je ne peux vous dévoiler). Décidé de lui faire part de sa découverte, il se retourna mais elle ne se trouvait plus à ses côtés. Il entreprit de la retrouver car il ne voulait oublier ce qu'il avait à lui exprimer. Il fit pourtant brusquement halte. Il venait de trouver une lettre derrière son oreille droite lui étant adressée. Il l'ouvrit et y trouva ce message:

"C'est fini"

Veau Ninja se remit très vite de cet épisode et débuta une vie de nomade ninja un peu partout dans le monde. Mais surtout en Mongolie. Un jour, il devint mort. Ceci eu pour effet de restreindre ses voyages. On m'a dit qu'Yvette s'est marié quatre fois et vit maintenant dans une petite île d'Afrique, près de la Suède.

le 20 mars 2001

CAREER & PLACEMENT

1) RECRUITMENT IN OTTAWA (ARTICLING)

- **LOW, MURCHISON** is a general practice law firm founded in 1938 and located in Ottawa. Their clients include financial institutions, insurance companies, public institutions, business corporations, charitable organizations and associations, large and small business enterprises, entrepreneurs, executives and individuals. The firm consists of 12 lawyers. The articling student will be exposed to: corporate, commercial, general civil litigation, personal injury work, family law, construction litigation, environmental law, commercial financing, commercial and residential real estate, land development, secured transactions, insolvency, wills and estates, estate planning and administrative law. Please submit your application by or before April 30th, including your CV and a copy of your transcript of law school to:

Low, Murchison
Barristers and Solicitors
1200-220 Laurier Ave. W.
Ottawa, Ontario
K1P 5Z9

Attention: Articling Committee

2) OFFERS RECEIVED THIS WEEK (ARTICLING)

- **SANGRA, MOLLER** has currently two articling positions and one SUMMER Articling position available commencing in 2002. Sangra Moller is a

Vancouver business law firm representing local, national and international clients. Their complement of 11 lawyers practice in the firm's commercial and securities groups. The firm's areas of practice focus on corporate finance, mergers and acquisitions, corporate reorganizations and securities with an emphasis on forest products and knowledge-based industries.

Web: www.sangramoller.com

If interested, pick up your package at CPO.

- **BEARD WINTER LLP** is a Toronto based firm which presently comprises 38 lawyers practising in the areas of business and financial services, all forms of dispute resolution (including commercial and insurance litigation), regulatory affairs and government relations. The articling students' work will range from assisting in a client matter to having exclusive responsibility, with supervi-

sion, for carriage of a file. Beard Winter will employ 4 articling students in 2001-2002.

The articling program offers a three-part rotation in the following areas: dispute resolution, regulatory affairs and government relations and business and financial services.

Web: www.beardwinter.com

If interested, pick up your package at CPO.

- **La COUR D'APPEL DU QUEBEC** recherche toujours des stagiaires pour mai 2001. Les stages de recherche en droit sont reconnus par le Barreau du Québec aux fins du stage de formation professionnelle. Durée de l'embauche: 2 ans. Conditions: être détenteur d'un baccalauréat en droit et être inscrit(e) à l'École de formation professionnelle du

Barreau du Québec afin de se rendre admissible au stage de mai 2001.

Date limite: 6 avril 2001. Postes disponibles à Montréal et à Québec.

Détails disponibles au CPO.

- **Articling at Export Development Corporation: EDC** is a Crown corporation that operates as a commercial financial institution. They assist Canadian exporters and investors to do business in more than 200 countries around the world.

EDC's Legal Services Division: The Legal Services Division is an integral part of EDC. It presently consists of over 20 lawyers with a vast amount of knowledge and experience in various areas of law.

Articling at EDC: EDC offers an articling experience to law students interested in practising in different areas of law on an international level: financing and insurance law, administrative law, commercial law, corporate law, regulatory law, employment and labour law, international law, litigation and securities. Articling students participate in interviews and meetings in order to advise and counsel EDC's internal clients. As a result of EDC's international spectrum of business, articling students have the opportunity to work closely with lawyers from around the world. Articling students also have the opportunity to liaise with representatives of various ministries and government agencies in the development of EDC policies. Articling students have the opportunity to draft and write various legal documents including: credit facility agreements (loan agreements, lines of credit, etc.), guar-

antees, amending agreements, security agreements, policies of insurance and endorsements, in addition to performing legal research on work related issues. Articling students are encouraged to participate in meetings and negotiations with internal clients, outside counsel, and other related parties.

Forward application package to Nancy Bergeron, Human Resources, Export Development Corporation, 151 O'Connor, Ottawa, Ontario, K1A 1K3 by March 29, 2001. For additional information, please phone (613) 598-2500, extension 2861 or access the EDC website at www.edc-see.ca.

3) OFFERS RECEIVED THIS WEEK (Summer/part-time positions)

- **LEXPERT** is looking for six or more law students or prospective law students to do research for various LEXPERT publications, including The Canadian Legal LEXPERT Directory, The LEXPERT/CCCA Directory, and possibly Lexpert Magazine. Work principally involves making phone contact with lawyers and corporate counsel across Canada and sending out written questionnaires; receiving completed surveys and processing results. Pleasant and professional telephone manner, good organizational skills, proficiency with MS Office Professional (Word and

Access), disciplined focus and attention to detail are important. Fluency in French an asset. An excellent opportunity to gain valuable insights into the legal profession. Full-time, in downtown Toronto, from the end of April till Labour Day; market rates. Apply (résumé only, transcripts not necessary) by March 26, 2001 to Nancy Duez, Managing Editor, LEXPERT®, 55 Adelaide St. E., Suite 200, Toronto ON M5C 1K6; fax (416) 214-2230; E-mail nduez@lexpert.ca. Website at www.lexpert.ca.

- **THE CROWN LAW OFFICE:** The Crown Law Office ~ Criminal of the Ministry of the Attorney General has openings for approximately four law students this summer. Applicants may be in either first or second year. The successful students will start work in May on such dates as they may individually select. These summer jobs will offer the students an excellent opportunity to see the inside workings of a busy appellate and trial office which specializes in criminal law.

March 20, 2001

CAREER & PLACEMENT

An overview of the Crown Law Office ~ Criminal: Lawyers in the Office have responsibility on behalf of the Crown for the preparation and argument of all appeals arising from prosecutions by indictment in Ontario under the Criminal Code. These appeals are argued before the Court of Appeal for Ontario in Toronto and before the Supreme Court of Canada in Ottawa. Well over half of the Office's work is devoted to criminal appeals. The Crown Law Office ~ Criminal is the country's largest appellate office.

The other principal responsibility of the Office is the conduct of certain prosecutions which, within the Ministry, are termed "special prosecutions". These cases fall into two general categories: i) complex commercial crime and ii) prosecutions of persons who are involved in the administration of justice. This second category includes prosecutions in which charges have been laid by the S.I.U. (Special Investigations Unit).

The Office also provides a series of specialized legal services to Crown Attorneys and police agencies throughout Ontario. These services cover a wide range of areas, including, for example: prerogative remedies, search warrants, wiretaps, extraditions, and applications to obtain evidence abroad. More generally, lawyers here provide advice and opinions on legal issues in difficult cases, as the need arises. From time to time, the office also provides assistance to foreign jurisdictions for the gathering of evidence within Ontario, pursuant to the Mutual Legal Assistance in Criminal Matters Act.

The Office is further responsible on behalf of the Ministry for the development of policy in the field of criminal law. Such policy work may serve, for example, as the basis for Ontario's submissions to joint federal-provincial committees dealing with revisions to the Criminal Code. More broadly, the Office offers remarkable opportunity for professional development in both the appellate and trial spheres.

For more information about the Crown Law Office ~ Criminal, please obtain a copy of our articling brochure from CPO. The salary of summer students: less than nine dollars an hour. Application deadline: Friday March 30, 2001. Please send your application (com-

prised of a covering letter, a resume, and marks) to Jennifer Woolcombe, Summer Program Co-ordinator, Crown Law Office ~Criminal, Ministry of the Attorney General for Ontario, 720 Bay Street, 10th floor, M5G 2K1. Interviews: first part of April.

- Professor Patrick Glenn would like to hire a research assistant for the summer (also possibility of part-time work during term) to work on a variety of projects involving both civil and common law subjects and some measure of legal theory. If interested, please leave a resumé and summary of grades (Office No. 31, OCDH, or mailbox of H.P. Glenn)

- GET PREPPED: Part-time LSAT teacher for a 12-month contract. Classes conducted four week-ends per year. Good LSAT score and a good understanding of the LSAT considered relevant. Compensation: \$16.55 - \$ 33.79 per hour (partly based on commissions). For more information: www.GetPrepped.com/job.html.

4) OFFERS RECEIVED THIS WEEK

- NEWPORT PACIFIC FINANCIAL GROUP is looking for a legal Officer internationally-oriented (non-practising). Newport Pacific Financial Group is a firm that specializes in the creation of customized international business structures for the purposes of asset protection, estate planning, confidentiality, and legal reduction of taxes. They structure offshore trusts, banking, and incorporations to assist individual and corporate clients with their international financial planning. This is NOT a position offering Articles or one which would be suitable for someone looking to practice law under the Legal Profession Act. Duties: completing banking forms; copying and filing confidential client correspondence; contacting international banks, trust companies, and incorporating services; and communicating with clients. Location: Edmonton. Qualifications: Canadian, US or Commonwealth law degree. Keen interest in travel as well as knowledge of any languages other than English are considered an asset.

Web site: www.newpac.com

If interested, submit cover letter, resumé to: Ms. Susan Wetzstein, Office Manager Newport Pacific Financial Group SA Suite 1860 Manulife Place 10180 - 101 Street

Edmonton, AB T5J 3S4

Fax: (780) 428-5100

Deadline: April 2, 2001

- University of SAN DIEGO is looking for a Lawyering Skills Instructors for the 2001-2002 academic year. Instructors teach legal research and writing and appellate advocacy to first year students.

Responsibilities include: teaching, preparing problems, critiquing writing assignments, and counseling individual students. Starting salary: \$42,000. Experience as a practicing attorney is desirable.

Please submit: cover letter, resumé, law school transcript with class rank, writing sample and references.

Contact:

Theresa Hrenchir

University of San Diego School of Law

5998 Alcalá Park

San Diego, CA 92110-2492

Tel: (619) 260-7438

Deadline: March 30, 2001

- The Center for Reproductive Law & Policy is looking for an attorney with three years of litigation experience for work in New York. Experience in civil rights, human rights or constitutional litigation preferred. Deadline: April 16, 2001

Contact: The Center for Reproductive Law & Policy

120 Wall Street, 14th Floor

New York, NY 10005

Attention: SH

5) U.S. RECRUITMENT INFORMATION SESSION: Wed, March, 21 at 12:30 in Room 101

6) SURVEY - GRADUATING STUDENTS Thank you for taking the time to fill it. Bring it back to CPO or drop it in the mail box next to my office.

7) FORMULAIRE D'INSCRIPTION À L'ÉCOLE DU BARREAU: disponible à OUS.

8) UPCOMING ATTRACTION + QUID QUIZ BREAKDOWN

- Toronto Articling 2002-2003 Information Session (date TBD)

- QUID QUIZ BREAKDOWN, question no. 39: Glad to see we made it to the top three!

le 20 mars, 2001

LE 26 MARS 2001 À 18 H

AU TRIBUNAL-ÉCOLE DE LA FACULTÉ DE DROIT DE L'UNIVERSITÉ MCGILL
(3644, RUE PEEL, MONTRÉAL)



La Revue québécoise de droit international

VOUS INVITE À

UNE TABLE RONDE

AVEC :

La très honorable **Beverley McLachlin**, Juge en chef du Canada

Robert Badinter, Sénateur français, ancien Président du Conseil constitutionnel et ancien Ministre de la Justice de France

Andrew Drzemczewski, Représentant officiel et Chef du Service du " Monitoring " du Secrétaire Général du Conseil de l'Europe

Catherine Lalumière, Député au Parlement Européen et ancien Secrétaire Général du Conseil de l'Europe

SOUS LE THÈME DU :

CINQUANTENAIRE DE LA CONVENTION EUROPÉENNE DES DROITS DE L'HOMME

Please e-mail address below if you plan to attend. Only registered students will be able to attend this event.

Courriel : lancementrqdi@moncourrier.com

Tél. : (514) 987-3000 poste 8315